

REMARKS

Applicant appreciates the Examiner's attention to detail, time expended and useful commentary during the Examiner Interview teleconference with me on Wednesday, October 26th, 2005. During that teleconference and in response to comments set forth herein, the Examiner indicated that the inventions identified in the pending Restriction Requirement dated September 6th, 2005, as roman numerals 1, 2, 4 and 6 could be elected by Applicant for prosecution as single group in the pending patent application and that Applicant should set forth in writing the reasons for this grouping.

In response to the Office Action dated September 6th, 2005, Applicant hereby traverses and requests reconsideration under 37 C.F.R. §1.111 and 37 C.F.R. §1.143. As suggested by the Examiner, Applicant hereby elects to prosecute the claims covered by inventions labeled with Roman numerals 1, 2, 4 and 6, more specifically, original claims 1-21, 30-56, 66, 67, 141, 142 (known herein as "groups 1, 2, 4, and 6"). Applicant does not necessarily agree with Examiner's grouping of inventions 3, 5, 7, 8, 9 and 10, but Applicant is not electing these inventions nor traversing the restriction of these inventions at this time.

As the Examiner is aware, under 35 U.S.C. §121, inventions must be "independent and distinct" for restriction into separate applications to be proper. As specified under 37 CFR §1.141, a reasonable number of different species are permissible in a single patent application if covered by a generic claim. The Manual of Patent Examining Procedure (MPEP), §803, further elaborates that "[t]here must be a serious burden on the Examiner if restriction is required." Accordingly, Examiner is asked to consider that restriction should not be required where the claims disclose a single embodiment. Such restriction should "never be required" under MPEP §806.03, because these "claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition". The claims in groups 1, 2, 4, and 6 are not independent and distinct inventions and are all focused on an embodiment of the present invention directed to the management of service requests or the like. For example, claim 8 from group 2 differs from claim 30 from group 4 only slightly in how the service request is treated in an example circumstance, and does not present a different embodiment. In both groups 2 and 4, service requests are received and managed. All elected groups, specifically, 1, 2, 4 and 6, are focused on managing service requests (or related "incident reports") and are not patentably independent and distinct. Therefore, Applicant maintains that restriction between groups 1, 2, 4 and 6 is improper and should not be required.

Applicant believes that the above remarks support reconsideration by the Examiner as requested. If the Examiner would like to discuss any aspect of this response she is encouraged to contact the Applicant's patent attorney at 303-470-3838 during normal business hours (Mountain Time Zone).

Respectfully submitted,

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